

REMARKS

In the Office Action mailed February 20, 2009 the Office noted that claims 1-20 were pending and rejected claims 1-20. Claims 1-20 have been amended, no claims have been canceled, and, thus, in view of the foregoing claims 1-20 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

ALLOWABLE SUBJECT MATTER

The Office has indicated that claims 11 and 15 are allowable. The Applicants acknowledge the allowance of the claims and thank the Office for its consideration in examining these claims.

REJECTIONS under 35 U.S.C. § 101

Claims 12, 14 and 16 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Office asserts that the claims do not comply with the machine or transformation test set forth in *In re Bilski*. The Applicants have amended claims 12 and 16 to recite "a first record process of recording an object data **file via an information record reproduction apparatus,**" (emphasis added) as in claim 12. Support for the amendment may be found, for example, in claim 11. The Applicants submit that no new matter

is believed to have been added by the amendment of claims 12 and 16. The Applicants submit that the first record process is now tied to another statutory type, an information record reproduction apparatus, and is therefore statutory.

With regards to the reject of claim 14, the Applicants traverse the rejection with an argument. Claim 14 recites "a first control process **of controlling the reproduction device** to reproduce a video stream." (Emphasis added) The Applicants submit the controlling of **the reproduction device** ties the method to a machine and the claim as recited is therefore statutory.

Claims 1-10, 13 and 17-19 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Office asserts that the claims are directed to descriptive material not capable of causing functional change in a computer. The Applicant has amended the claims to overcome the rejection.

For example, claim 1 has been amended to recite "[a] computer readable information record medium onto which is recorded a whole stream including a plurality of partial streams each comprising a series of content information." The Applicants submit that that the whole streams and partial streams each comprising a series of content information is a data structure. Further, that MPEP § 2106.01(I) states in part "a claimed **computer-readable medium encoded with a data structure** defines

structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, **and is thus statutory.**" (Emphasis added) Claim 20 has likewise been amended.

Claims 17-19 have also been amended in compliance with MPEP § 2106.01(I) which states "a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory."

Withdrawal of the rejections is respectfully requested.

#### SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 101. It is also submitted that claims 1-20 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/James J. Livingston, Jr./

---

James J. Livingston, Jr.  
Reg.No. 55,394  
209 Madison St, Suite 500  
Alexandria, VA 22314  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

JJL/dp